

1 PAUL T. FRIEDMAN (CA SBN 98381)
PFriedman@mofo.com
2 RUTH N. BORENSTEIN (CA SBN 133797)
RBorenstein@mofo.com
3 MORRISON & FOERSTER LLP
425 Market Street
4 San Francisco, California 94105-2482
Telephone: 415.268.7000
5 Facsimile: 415.268.7522

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6 GREGORY B. KOLTUN (CA SBN 130454)
GKoltun@mofo.com
7 MORRISON & FOERSTER LLP
555 West Fifth St., Suite 3500
8 Los Angeles, California 90013
Telephone: 213.892.5551
9 Facsimile: 213.892.5454

10 Attorneys for Defendants
UNITED PARCEL SERVICE, INC.,
11 UNITED PARCEL SERVICE GENERAL SERVICES CO.
AND UNITED PARCEL SERVICE CO.

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT COURT OF CALIFORNIA**
14

15 IN RE: UNITED PARCEL SERVICE
"AIR-IN-GROUND" MARKETING
16 AND SALES PRACTICES
LITIGATION

MDL NO. 2153

CASE NO. 10-ML-02153-GW(PJWx)

17
18 **This Document Relates to:**

19 2:10-CV-00733-GW(PJWx) Designer
Imports International, Inc. v. United
20 Parcel Service, Inc., et al

21 2:10-CV-00734-GW(PJWx) Pocino
Foods Company et al v. United Parcel
22 Service, Inc. et al

23 2:10-CV-04350-GW(PJWx) Arapahoe
Hyundai, LLC v. United Parcel Service,
24 Inc. et al

25 **2:10-CV-04352-GW(PJWx)** Owens
Financial Group, Inc. v. United Parcel
26 Service, Inc., et al

**JUDGMENT AS TO PLAINTIFFS
DESIGNER IMPORTS
INTERNATIONAL, POCINO
FOODS, ARAPAHOE HYUNDAI,
AND OWENS FINANCIAL GROUP**

1 On July 11, 2011 and July 28, 2011, the motion of United Parcel Service,
2 Inc., United Parcel Service General Services Co. and United Parcel Service Co.
3 (“Defendants”) to dismiss the Third Amended Consolidated Class Action Complaint
4 of Plaintiffs Arapahoe Hyundai, LLC, Designer Imports International, Inc., Owens
5 Financial Group, Inc., and Pocino Foods Company (“Plaintiffs”) pursuant to Rule
6 12(b)(6) of the Federal Rules of Civil Procedure came on for hearing. The Court
7 heard extensive oral argument after reviewing all briefs and other submissions of
8 the parties.

9 On July 11, 2011, the Court issued a Tentative Ruling in favor of Defendants,
10 heard arguments from Plaintiffs and Defendants, and took the matter under
11 submission.

12 On July 28, 2011, the Court issued an Order granting Defendants’ motion and
13 dismissing the Third Amended Consolidated Class Action Complaint without leave
14 to amend on the ground that it fails to state a claim on which relief may be granted,
15 for the reasons stated in the Court’s Order. In accordance with the Order granting
16 Defendants’ motion,

17 IT IS HEREBY ADJUDGED that:

18 1. Designer Imports International, Inc. v. United Parcel Service, Inc., et
19 al., Case No. 2:10-CV-00733-GW-PJW, is dismissed on its merits, with prejudice;

20 2. Pocino Foods Company et al v. United Parcel Service, Inc. et al., Case
21 No. 2:10-CV-00734-GW-PJW, is dismissed on its merits, with prejudice;


22 3. Arapahoe Hyundai, LLC v. United Parcel Service, Inc. et al., Case No.
23 2:10-CV-04350-GW-PJW, is dismissed on its merits, with prejudice;

24 4. Owens Financial Group, Inc. v. United Parcel Service, Inc., et al., Case
25 No. 2:10-CV-04352-GW-PJW, is dismissed on its merits, with prejudice; and
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1 5. Plaintiffs shall take nothing by way of their Third Amended
2 Consolidated Class Action Complaint in this action, which is dismissed without
3 leave to amend.

4 **IT IS SO ORDERED.**

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6 DATED: August 4, 2011

By 

7 Hon. George H. Wu
8 United States District Judge
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